

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MARY MILLER, DANIEL MILLER, EUGENE  
RANDOLPH and EUGENE MAZZIO,

Plaintiffs,

vs.

ANTHONY J. ANNUCCI, Acting  
Commissioner, NYSDOCCS, JAMES A.  
O'GORMAN, Acting Deputy Commissioner,  
THOMAS GRIFFIN, Superintendent,  
and Lieutenant J. Gould,  
Greenhaven Correctional Facility,  
ARAMARK CORRECTIONAL SERVICES, LLC,  
E-FORD COMMISSARY, INC., JACK L.  
MARCUS, INC., KEEFE COMMISSARY  
NETWORK, LLC, PLATINUM EMPIRE  
UNLIMITED, D.B.A. JUST RIGHT PACKAGES,  
MUSIC BY MAIL, INC., UNION SUPPLY  
GROUP, INC., WALKENHORST'S, INC., and  
WALMART STORES, INC.

C O M P L A I N T

18 Civ 18 CV 0037

Jury Trial Demanded

Defendants.

-----X  
**INTRODUCTION**

This is a pro se civil rights action filed by an inmate's family member, and 3 inmates at Green Haven Correctional Facility. The purpose of this action is to redress the violations of the Dormant Commerce Clause of the Constitution and Equal Protection violations stemming from a revised policy for inmate packages in the New York State Department of Corrections & Community Supervision ("NYSDOCCS").

The plaintiffs contend that the new package rules violate the Dormant Commerce Clause by restricting trade, and that the agreements by and between the "approved" vendors and NYSDOCCS

violate the NYS General Business law by price gouging, deceptive business practices and unlawful restraint of trade. The plaintiffs further contend that the new policies violate equal protection under the state and federal constitutions by targeting low income and minority families.

The inmate-plaintiffs, who are all disabled persons with serious medical conditions, contend that the new package regulations subject them to immediate and irreparable harm, and serious physical injury.

Plaintiffs are suing for declaratory judgment, preliminary and permanent injunction and money judgment.

#### JURISDICTION AND VENUE

1. Jurisdiction over civil rights cases arises under Original Jurisdiction pursuant to 28 U.S.C. § 1343, and "federal question" jurisdiction under 28 U.S.C. § 1331.

2. Jurisdiction arises for multi-district litigation under "diversity jurisdiction" pursuant to 28 U.S.C. § 1332.

3. Jurisdiction over NYS Constitution and NYS law claims related to federal claims arises under supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

4. Substantial acts alleged arose in the Southern District of New York and venue is therefore proper.

#### PARTIES

##### A. PLAINTIFFS:

5. Plaintiff MARY MILLER at all times alleged was and is a U.S. Citizen, NYS Resident, and family member of DANIEL MILLER, an inmate confined in the NYSDOCCS at Green Haven.

6. Plaintiff DANIEL MILLER, at all times alleged, was and is an inmate confined in the NYSDOCCS, at Green Haven.

6. Plaintiff EUGENE RANDOLPH, at all times alleged, was and is an African-American inmate, confined in the NYSDOCCS at Green Haven.

8. Plaintiff EUGENE MAZZIO, at all times alleged, was and is an inmate confined in the NYSDOCCS, at Green Haven.

B. DEFENDANTS:

9. Defendant ANTHONY J. ANNUCCI ("ANNUCCI"), at all times alleged, was and is the Acting Commissioner of the NYSDOCCS responsible for policy-making and day-to-day operations of the department and all facilities. He is responsible for promulgating all departmental directives. He is sued in his official and individual capacities.

10. Defendant JAMES A. O'GORMAN ("O'GORMAN"), at all times alleged, was and is the Acting Deputy Commissioner for Correctional Facilities. He is also responsible for promulgating policies and directives affecting the day-to-day operations of NYSDOCCS facilities. He is sued in his official and individual capacities.

11. Defendant THOMAS GRIFFIN, at all times alleged, was and is the Superintendent of Greenhaven Correctional Facility. As such he is responsible for approving or amending all discretionary policies which affect the institution he is responsible for the day-to-day operation of. He is sued in his official and individual capacities.

12. Defendant LIEUTENANT J. GOULD, at all times alleged, was and is a Correctional Lieutenant in Greenhaven

Correctional Facility. Upon information and belief, he is a watch commander responsible to insure policies and procedures are enforced in accordance with federal, state and local law. He is sued in his individual capacity.

13. Defendant ARAMARK CORRECTIONAL SERVICES, LLC, at all times alleged, upon information and belief, was and is a Limited Liability Corporation duly organized and existing as such under the laws of the State of New York.

14. Defendant E-FORD COMMISSARY INC., at all times alleged, upon information and belief, was and is a foreign corporation duly organized and existing under the laws of the State of North Carolina, conducting business as such under the laws of the State of New York.

15. Defendant KEEFE COMMISSARY NETWORK, LLC, at all times alleged, upon information and belief, was and is a Limited Liability Corporation duly organized and existing under the laws of the State of Missouri, and conducting business as a foreign corporation under the laws of the State of New York.

16. Defendant PLATINUM EMPIRE UNLIMITED, INC., at all times alleged, upon information and belief, was and is a foreign corporation duly organized and existing under the laws of the State of California, and is conducting business as JUST RIGHT PACKAGES as a foreign corporation under the laws of the State of New York.

17. Defendant WALMART STORES, INC., at all times alleged, upon information and belief, was and is a foreign

corporation duly organized and existing under the laws of the State of Arkansas, and is conducting business as such under the laws of the State of New York.

18. Upon information and belief, all foreign corporations were and are duly registered as such with the Secretary of State, State of New York, Division of Corporations.

#### FACTS

19. Plaintiff MARY MILLER is an 86 year old disabled stroke victim and widow living on a fixed income, and is plaintiff DANIEL MILLER's main source of support. She is a Senior citizen and is only able to send food packages by comparative shopping, use of coupons, senior citizen and other discounts. Most of her purchases come from bargain stores such as TARGET, FAMILY DOLLAR, WALMART and COSTCO.

20. Absent these substantial discounts, she is unable to send packages to her son.

21. EUGENE RANDOLPH has his support from his son's grandmother, also an 86 year old disabled widow who shops in bargain stores with coupons and senior citizen discounts. Absent these discounts she would be unable to send packages to EUGENE. She is also an African-American.

22. EUGENE MAZZIO, DANIEL MILLER and EUGENE RANDOLPH are all over 50 years old, confined in wheelchairs, suffering from different health ailments, including diabetes and heart problems.

23. EUGENE MAZZIO and DANIEL MILLER are morbidly obese and due to their health conditions are required to follow specific diets approved by either the American Heart Association, or American Diabetic Association respectively. EUGENE RANDOLPH

follows a special diet as well.

24. The NYSDOCCS maintains a diet consisting mainly of SOY products, and large amounts of carbohydrates.

25. The NYSDOCCS facilities are also primarily located in North, Central and Western New York, in the Adirondack and Catskill mountain areas where the cold temperatures are extreme.

26. The new policies with respect to packages removed clothing items such as hooded sweatshirts, scarves and belts, and blankets and sheets and towels.

27. The NYSDOCCS does not provide adequate clothing or blankets offering sufficient protection from the extreme temperatures.

28. Even with additional layers of protection inmates have suffered frost bite.

29. This season especially, the flu vaccine has proven effective on only 10% of the Influenza Virus Strains. Even assuming one has been vaccinated, he remains susceptible to at least 90% of the influenza viruses.

30. The Pneumonia vaccines do not fare much better and only protects inmates from up to 5 types of the multiple pneumatic viruses.

31. The removal of protective clothing and blankets is crucial leaving plaintiffs unprotected from the cold and the elements.

31. With respect to food products the new policy limits the amount of food each package to 3 pounds. Formerly, an

inmate could receive up to 2 packages for a total of 35 pounds. That way, shipping was paid only once or at most twice. Under the new policy, shipping would have to be paid 5 to 6 times, which is about an 80% increase in shipping costs from \$6-\$12, up to \$60-\$80.

32. The new policy also prohibits fresh vegetables and fruits.

33. In past years the clinical research proves that the NYSDOCCS SOY based diet is harmful.

34. There is no availability in NYSDOCCS commissary to purchase fresh fruits and vegetables.

35. Obesity and diabetes is at the highest rate in recorded history in NYSDOCCS facilities, and the commissary is filled with high concentrated sweets and salt cured, preservative food products.

36. The proposed APPROVED vendors and the new policy will offer only a slightly larger variety of the very same high sugar concentrated and salted prepackaged foods.

37. Due to the new policies health choices are out the window, and place the plaintiffs in an increased risk of diabetic ketoacidosis and heart attacks and strokes.

38. The costs of the foods and other products to the family members and to the inmates, plaintiffs included, is approximately 50% higher than available in bargain stores.

39. This targets low income families, particularly minorities which dominate over 65% of the NYS prison population.

40. Moreover, the agreements by and between NYSDOCCS and the other approved vendors (other than WALMART) violate the

Dormant Commerce Clause of the U.S. Constitution, the Fourteenth Amendment and NYS Constitution with respect to Equal Protection.

41. The agreements further violate the price gouging, illegal restraint of trade and deceptive business practices sections of the New York General Business Law.

42. Further, in 2010, NYSDOCCS and WALMART entered into an agreement whereby WALMART would be a preferred vendor, with the stipulation that WALMART would not merchandise directly to inmates.

43. This agreement by and between WALMART and NYSDOCCS not only violates the commerce statutes, but constitutes discrimination and equal protection violations as well.

44. Upon information and belief, several of the "approved" vendors are owned and operated by former correction staff, and have unjustly enriched O'GORMAN and others with kickbacks, and other items of pecuniary value in exchange for the contracts.

45. The contracts violate both state and federal law.

46. With respect to exhaustion of administrative remedies only applicable to the inmates, not MARY MILLER, grievances were filed on December 1, 2017, and never answered. I have attached hereto copies of the grievances. No appeal lies for a grievance which has not been answered or acknowledged under Directive.

47. In addition, DANIEL MILLER filed complaint letters, and in return received a misbehavior report in



retaliation for filing same, which also violates the First Amendment right to petition for redress of Grievances.

#### CLAIMS FOR DAMAGES

48. The new package policy, Directive 4911A, violates the Dormant Commerce Clause, Article I, Section 8 of the U.S. Constitution, and the Fourteenth Amendment to the U.S. Constitution for Equal Protection, all to plaintiffs' damage.

49. Directive 4911A violates the NYS Constitution, and General Business Law, all to plaintiffs' damage.

50. Agreements by and between NYSDOCCS and the "approved vendors" violate Dormant Commerce, Equal Protection and NYS Constitution and General Business Law, all to plaintiffs' damage.

51. The agreement by and between NYSDOCCS and WALMART is discriminatory and violates Equal Protection under federal and State Constitutions.

52. The policies and agreements target low income and minority families, all to plaintiffs' damage.

53. Plaintiff DANIEL MILLER has suffered retaliation for filing complaints and grievances by GRIFFIN and GOULD, all to his damage.

#### RELIEF REQUESTED

WHEREFORE, plaintiffs request that judgment be entered against defendants as follows:

##### A. DECLARATORY JUDGMENT:

1. Judgment declaring contracts and agreements by and between NYSDOCCS and approved vendors illegal and unenforceable,

in violation of the NYS and FEDERAL Constitutions, violating the Dormant Commerce Clause, Equal Protection, and General Business Law with respect to price gouging, deceptive business practices and illegal restraint of trade.

2. Judgment declaring the contracts or agreements by and between NYSDOCCS and approved vendors targets low income and minority families, and is not racially neutral.

3. Judgment declaring agreement by and between WALMART and NYSDOCCS is discriminatory and illegal and unenforceable.

B. INJUNCTIVE RELIEF:

1. Preliminary and permanent injunction enjoining prohibiting and restraining enforcement of Directive 4911A, and any and all agreements or contracts entered into by and between NYSDOCCS and approved vendors.

C. MONEY JUDGMENT:

1. Money judgment in favor of plaintiffs and against defendants for compensatory, punitive, nominal and special damages in the sum of \$50,000,000.00 together with interest from December 4, 2017, and costs and disbursements, including reasonable attorneys fees.

D. OTHER RELIEF:

1. For such other and further or different relief as to the court may seem just, proper and equitable.

Dated: Inwood, New York  
December 15, 2017

Mary Miller  
MARY MILLER  
207 West Broadway  
Inwood, NY 11096  
(516) 612-4491

Dated: Stormville, New York  
December 25, 2017

Daniel Miller  
DANIEL MILLER, 15A3706  
Greenhaven Corr. Facility  
P.O. Box 4000  
Stormville, NY 12582

Dated: Stormville, New York  
December 25, 2017

Eugene Randolph  
EUGENE RANDOLPH, 15A2283  
Greenhaven Corr. Facility  
P.O. Box 4000  
Stormville, NY 12582

Dated: Stormville, New York  
December 25, 2017

Eugene Maggio  
EUGENE MAZZIO, 11A0523  
Greenhaven Corr. Facility  
P.O. Box 4000  
Stormville, NY 12582

I declare the foregoing is true and correct under penalty of perjury:

Executed on December 15, 2017.

Mary Miller  
MARY MILLER

I declare the foregoing is true and correct under penalty of perjury:

Executed on December 25, 2017

Daniel Miller  
DANIEL MILLER

I declare the foregoing is true and correct under penalty of perjury:

Executed on December 25, 2017

Eugene Randolph  
EUGENE RANDOLPH

I declare the foregoing is true and correct under penalty of perjury:

Executed on December 25, 2017

Eugene Maggio  
EUGENE MAZZIO



## Corrections and Community Supervision

ANDREW M. CUOMO  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

### MEMORANDUM

TO: Inmate Population

FROM: James A. O'Gorman, Acting Deputy Commissioner for Correctional Facilities

SUBJECT: Inmate Packages (Green Haven Correctional Facility)

DATE: November 29, 2017

A handwritten signature in black ink, appearing to be "JAO", located to the right of the "FROM" line.

The Commissioner has approved Green Haven Correctional Facility to participate in the pilot Secure Vendor Program which is tentatively scheduled to begin on December 4, 2017. Directive #4911A, "Inmate Packages," will be in effect at the start of the pilot program and will replace the existing Directive #4911, "Packages & Articles Sent or Brought to Facilities."

Eight vendors (Aramark Correctional Services, LLC; E-Ford Commissary, Inc.; Jack L. Marcus, Inc.; Keefe Commissary Network, LLC; Platinum Empire Unlimited Inc. DBA Just Right Packages; Music By Mail, Inc.; Union Supply Group, Inc.; and Walkenhorst's, Inc.) have been approved by the Department to provide packages and articles listed within Directive #4911A. Except for the initial fourteen day grace period, only packages received directly from approved vendors will be permitted in accordance with Directive #4911A. Effective December 4, 2017, under no circumstances will packages be accepted from a visitor or dropped off at the facility.

Eligible inmates will order packages and articles utilizing disbursement forms and ordering forms from the approved vendor's catalogs. Inmate's family members and friends will be able to order packages and articles from the approved vendors via an online/internet web page that will be linked to the Department's home page, mail order catalogs provided by the approved vendors or calling the approved vendors toll free number. The method of payment will be major credit cards, cashier checks or money orders.

Packages for the Family Reunion Program will continue in accordance with Directive #4500; "Family Reunion Program," and the facility's local policy.

The goals of the Department's Secure Vendor Program are to maximize the availability of food and articles for inmates and to have approved vendors offer a variety of items at competitive pricing for inmates, their families and friends; while maintaining security and providing an efficient operation.

# INMATE GRIEVANCE COMPLAINT

**Grievance No.**

GREEN HAVEN

CORRECTIONAL FACILITY

Date: 12/1/2017

Name: DANIEL MILLER

Dept. No.: 15A3706

Housing Unit. C-4-5

Program: UNEMP

AM UNEMP

PM

***(Please Print or Type – This form must be filed within 21 calendar days of Grievance Incident)\****

Description of Problem: (Please make as brief as possible) The new package directive, 4911, is not racially neutral, targets low-income and minority inmates and their families, violates equal protection under both the NY and FEDERAL Constitutions, violates the Dormant Commerce Clause of the U.S. Constitution, violates monopoly and illegal restraint of trade, deceptive business practices and price gouging laws on NY State, subjects inmates to Cruel and Unusual Punishment, forces us to pay shipping over 10 times current rates, subjects inmates to sickness and exposure and other health hazards, and violates the federal PACT Act with respect to sale of tobacco through U.S. Mail and Commercial Carriers.

**Grievant**

Signature:

**Grievance Clerk:**

Date:

Advisor Requested

☐ YES

☐ NO

Who:

Action requested by inmate: That Directive 4911A be rescinded.

The Grievance has been formally resolved as follows:

**This Informal Resolution is accepted:**

(To be completed only if resolved prior to hearing)

Grievant

Signature:

Date:

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

<sup>iv</sup> An exception to the time limit may be requested under Directive #4040, section 701.6(g).

## INMATE GRIEVANCE COMPLAINT

Grievance No. 

GREEN HAVEN

CORRECTIONAL FACILITY

Date: 12/1/2017Name: EUGENE RANDOLPHDept. No.: 15A2288Housing Unit: C-4-20Program: UNEMPAM UNEMP

PM

(Please Print or Type - This form must be filed within 21 calendar days of Grievance Incident)\*

Description of Problem: (Please make as brief as possible) The new package directive, 4911A, is not racially neutral, targets low-income and minority inmates and their families, violates equal protection under both the NY and FEDERAL Constitutions, violates the Dormant Commerce Clause of the U.S. Constitution, violates monopoly and illegal restraint of trade, deceptive business practices and price gouging laws on NY State, subjects inmates to Cruel and Unusual Punishment, forces us to pay shipping over 10 times current rates, subjects inmates to sickness and exposure and other health hazards, and violates the federal PACT Act with respect to sale of tobacco through U.S. Mail and Commercial Carriers.

Grievant

Signature: Eugene Randolph

Grievance Clerk: \_\_\_\_\_

Date: ~~12/1/17~~

Advisor Requested

☐ YES☒ NO

Who: \_\_\_\_\_

Action requested by inmate: That Directive 4911A be rescinded.

The Grievance has been formally resolved as follows:

This Informal Resolution is accepted:

(To be completed only if resolved prior to hearing)

Grievant

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

\* An exception to the time limit may be requested under Directive #4040, section 701.6(g).

# GREEN HAVEN CORRECTIONAL FACILITY

Name Eugene Mazzio Din. No. 11A0623 Housing Unit c-4-3  
Program Unemployed AM \_\_\_\_\_ PM \_\_\_\_\_

Description of Problem: (Please make as brief as possible) New package policy targets low income and minority families and unlawfully restricts trade under federal and state law, equates to price gouging and deceptive business practice under NYS law, and is unfair.

Advisor Requested ☐ Yes ☒ No Who: \_\_\_\_\_

That the new directive be suspended pending further review and the objections of inmates and the ILC.

\*An exception to the time limit may be requested under Directive #4040, section 701.6(g).

Daniel Miller • Din No. 15-A-3706  
Green Haven Correctional Facility • P.O. Box 4000 • Stormville, NY 12582

September 17, 2017

Via First Class Mail

United States' Attorney's Office  
Southern District of New York  
Sylvio J. Mollo Building  
One St. Andrew's Plaza  
New York, NY 10007  
Attn: Criminal Division  
Bureau Chief  
Racketeering & Anti-trust Bureau

Re: Investigation into RICO and Antitrust Violations  
Green Haven Correctional Facility

Dear Madame or Sir:

I write respectfully seeking that you commence an investigation into the corrupt business practices engaged in by the administrative staff at the Green Haven Correctional Facility. It appears as if the facility is being managed by and through a "pattern of racketeering activity" and through a complex scheme of kick-backs, embezzlement and unjust enrichment.

These RICO, Antitrust and Unjust Enrichment schemes are centered around the monies from the Inmate Liason Committee ("ILC") being mis-appropriated, and used for purposes unrelated to the inmate population. Monies earmarked for inmates' medical care, food, law library supplies and other items are being re-directed to increased spending in unnecessary overtime, bonuses and other spending in violation of the established law.

Further, the department is planning a wholesale renovation of the package program, whereas packages will only be accepted from approved vendors. The approval process implicitly denies purchases from Walmart, Target, and other bargain stores. Instead, the only approved vendors are the smaller outfits which have given kick-backs to the decision-makers, in exchange for charging premium prices to the inmates. Indeed, the vendors who are or will be approved are charging between 25% and 50% of the prices for the same items sold by low-cost vendors. This violates commerce and free-trade clauses of the Constitution, creating a situation of price gouging by design, all to the benefit of prison administrators.

Monies allocated to medical supplies and law library supplies are disappearing. These monies are supposed to be allocated from the ILC and vending machine program for the use and benefit of the inmates, not the prison administrators.



It is therefore requested that you commence an investigation into the creative accounting and internal corruption of the administrators at the Green Haven Correctional Facility. If you do not commence an investigation within the next 30 days, I will be forced to commence an action against you under the Administrative Procedures Act, 5 U.S.C. § 702, et seq.

Please be guided accordingly.

Very truly yours,

DANIEL MILLER

cc: Thomas Griffin  
Superintendent

File



DANIEL MILLER • Din No. 15-A-3706  
Green Haven Correctional Facility  
P.O. Box 4000 • Stormville, NY 12582-4000

September 20, 2017

Via First Class Mail

V.P. & General Counsel  
WALMART CORP.  
Corporate Legal Department  
702 S.W. 8th Street  
Bentonville, AR 72716

Re: Vendor Agreement between WALMART & NYSDOCCS

Dear Madame or Sir:

This letter is written to advise you that I am considering legal action against WALMART. I am considering legal action due to an agreement by and between WALMART and the New York State Department of Corrections & Community Supervision (hereinafter "NYSDOCCS"). I believe the agreement violates both federal and state anti-discrimination laws as well as the Dormant Commerce Clause to the United States Constitution.

At some point on or after 2010, WALMART, by and through its Institutional Sales Department, entered into an agreement with the NYSDOCCS. Somewhere during the negotiations, it was agreed that in exchange for making most purchases through WALMART and SAM'S CLUB, that WALMART would not accept any orders from inmates, either directly, or through third-parties. My family members discovered this when they attempted to make purchases and ship them directly to me, as opposed to having to pay shipping twice—once from WALMART to the house, and a second time from the house to the facility. At first, they overlooked it as just maybe a policy against third-party shipping. However, when they realized that they were able to ship to third-parties other than inmates, they discovered it was only inmates in the NYSDOCCS. Indeed, in the past, they sent me packages at the local correctional facility I was incarcerated in.

At some point in September, my family member contacted your Customer Service Department and Sales Department. It was disclosed—perhaps mistakenly—that there was an agreement between NYSDOCCS and WALMART preventing WALMART from merchandising to inmates, either directly, or through third-parties. This is an unlawful business practice.

First, both state and federal anti-discrimination laws prevent private parties, including companies such as WALMART from refusing to conduct business with persons who form a suspect class. Whether that suspect class is race-based, religion-based, sexual-orientation based or other, is of no moment. Indeed, the anti-discrimination laws reach from disenfranchisement of voters to employment, housing and education of convicted felons.

Letter to WALMART  
September 20, 2017

Page Two

Second, the Dormant Commerce Clause of the United States Constitution, Article I, Section 8, prevents any state agency from promulgating statutes, rules, regulations, ordinances or directives which obstruct or interfere in interstate commerce. Sections 1983 and 1985 of Title 42 of the United States Code permits affected parties to sue not only the state actor, but private actors, corporations included, under the theory of acting in concert with the state actors.

By not allowing the inmates to reap the benefit of WALMART's competitive pricing, your agreement with the NYSDOCCS obstructs and violates the Dormant Commerce Clause. Moreover, your company is discriminating against us as inmates—convicted felons—on the basis of our custodial status. This is unacceptable.

The theory I am operating on is that this illegal agreement was necessary to procure the sales-contract by and between WALMART and NYSDOCCS, and that was the benefit to WALMART. The benefit to NYSDOCCS, is more complicated. NYSDOCCS has an "Approved Vendor List" of smaller companies which are permitted to merchandise directly to inmates. However, the pricing of goods from these smaller companies is so high that it is unaffordable by a good portion of the inmate population. Somewhere in the contract negotiation chain, kickbacks are being given. Also, many of these smaller companies are owned and operated by former correction officers and their families.

By letter dated September 17, 2017, I have asked the United States Department of Justice and United States' Attorney for the Southern District of New York (Anti-Corruption Unit) to look into this matter. In addition to being a corrupt and unfair business practice, it violates numerous laws including anti-trust laws and price-gouging.

Therefore, I am writing to you to advise you that I intend to commence an action to enjoin the agreement by and between WALMART and NYSDOCCS as illegal and unenforceable, and for money damages, if this corrupt and illegal business practice continues. I would appreciate it if you would contact the undersigned as soon as possible and notify me of WALMART's intentions with respect to this matter.

Please be guided accordingly.

Very truly yours,

*Daniel Miller*

DANIEL MILLER

cc: Anthony J. Annucci  
Acting Commissioner  
NYSDOCCS  
1220 Washington Avenue  
Albany, NY 12226

Letter to WALMART  
September 20, 2017

Page Three

cc: Eric M. Schneiderman  
NYS Attorney General  
Public Corruption Unit  
Department of Law  
The Capitol  
Albany, NY 12224

United States Department of Justice  
Special Litigation Section  
Anti-Trust Division  
950 Constitution Avenue, N.W.  
Washington, DC 20530

United States' Attorney  
Southern District of New York  
Sylvio J. Mollo Building  
One St. Andrew's Plaza  
New York, NY 10007  
Attn: Anti-Corruption Bureau

Andrew M. Cuomo  
Governor  
State of New York  
Executive Tower  
Empire State Plaza  
Albany, NY 12224

The File

Mary Miller  
207 West Broadway  
Inwood, NY 11096  
(516) 612-4491

December 10, 2017

HEAVENLY HELPERS ROCK  
1206 Leeds Street  
Utica, NY 13501  
Attn: Theresa

EMMAS PREMIUM FOODS  
162 Washington Avenue  
Edison, NJ 08817  
Attn: ANTON

W.A. BEAN & SONS  
229 Bomarc Road  
Bangor, ME 04401

OUTSIDE INMATE PACKAGE PROGRAM  
P.O. Box 130344  
Brooklyn, NY 11213

KSR WEAR  
P.O. Box 7644  
Hicksville, NY 11801

BARE NECESSITIES  
511 Avenue of the Americas # 343  
New York, NY 10011


To all concerned parties:

The NYSDOCCS has now implemented a new package policy. They have eliminated packages from home and have restricted orders to eight companies. None of you are on the list. I am enclosing a copy of the memorandum sent by NYSDOCCS to inmates at Green Haven. I am also enclosing a copy of the Civil Complaint filed by myself and another inmates' family member.

I would strongly advise you to contact your attorneys, and to file a third-party complaint for violation of the Dormant Commerce Clause, and the N.Y. General Business Law prohibiting monopolies and illegal restraint of trade. As soon as I receive the docket number from the Court I will send it to you under separate cover.

I hope you will join us in fighting this tyrannic, draconian policy.

Very truly yours,

  
MARY MILLER

Daniel Miller  
Din No. 15A3706  
Greenhaven Correctional Facility  
P.O. Box 4000  
Stormville, NY 12582

December 15, 2017

Anthony J. Annucci, Acting Commissioner  
NYSDOCCS  
W.A. Harriman Campus, Bldg. 2  
1220 Washington Avenue  
Albany, NY 12226

Thomas Griffin, Superintendent  
Greenhaven Correctional Facility  
P.O. Box 4000  
Stormville, NY 12582

Re: New Package Directive 4911A/Pilot Program

Dear Commissioner & Superintendent:

This letter is submitted to advise your offices that some of our family members, my mother MARY MILLER included, have filed a federal civil rights complaint, and motion for a preliminary injunction and temporary restraining order. Upon completion of the IGRC process, I, along with others, will file a Third-Party Complaint against the new directive and the pilot program as well.

The complaint contends that the new policy is not racially neutral, and targets low-income and minority families, as well as violating the Dormant Commerce Clause and 14th Amendment to the U.S. Constitution. The complaint further alleges that the directive and policy illegally restrains trade and constitutes deceptive business practices and price gouging under the New York General Business Law.

Vendors such as BARE NECESSITIES, KSRWEAR, EMMAS PREMIUM FOODS, W.A. BEAN, OUTSIDE INMATE PACKAGE PROGRAM, and HEAVENLY HELPERS ROCK have been provided with copies of the complaint, and have contacted us. They are also in the process of retaining attorneys to enjoin this disgraceful abuse of power.

Please be guided accordingly.

Very truly yours,

DANIEL MILLER

MEMORANDUM

TO: SUPERINTENDENT GRIFFIN, FDS COLLADO, DSS RUSSO

CC: HON. KENNETH M. KARAS, A.A.G. UVAYDOV, INV. BIGIT  
HELEN CHARLAND, DISABILITY RIGHTS

FROM: DANIEL MILLER, 15A3706

SUBJECT: UNLAWFUL KEEPCLOCK

DATE: DECEMBER 23, 2017

To all concerned parties:

On December 22, 2017, I was placed in KEEPCLOCK by C.O. Norriega at 7:00 a.m. Notwithstanding numerous questions, no one could tell me the reason for the KEEPCLOCK.

On December 23, 2017, at approximately 8:00 p.m., I discovered from the Unit Officer, an African-American Female, that she reviewed the Unit Log Book. She further discovered that there was NO entry in the Log Book for either a KEEPCLOCK secondary to a Misbehavior Report, OR for a 72 Hour Investigation. The officer, however, refused to contact a Seargent or Lieutenant.

I want this issue investigated, AND filed as a GRIEVANCE for RETALIATION, and I DEMAND to be removed from KEEPCLOCK immediately.

Respectfully,

DANIEL MILLER

cc: IGP SUPERVISOR

MEMORANDUM

TO: SUPERINTENDENT GRIFFIN, FDS COLLADO, DSS RUSSO

CC: HON. KENNETH M. KARAS, A.A.G. UVAYDOV, INV. BIGIT  
HELEN CHARLAND, DISABILITY RIGHTS

FROM: DANIEL MILLER, 15A3706

SUBJECT: UNLAWFUL KEEPCLOCK

DATE: DECEMBER 23, 2017

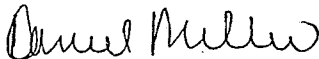
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DANIEL MILLER

cc: IGP SUPERVISOR



Daniel Miller  
Din No. 15-A-3706  
Green Haven Correctional Facility  
P.O. Box 4000  
Stormville, NY 12582

December 22, 2017

Hon. Kenneth M. Karas  
United States District Judge  
United States Courthouse  
300 Quarropas Street, Room 533  
White Plains, NY 10601

Sofya Uvaydov, Esq.  
Assistant Attorney General  
NYS Attorney General's Office  
120 Broadway, 24th Floor  
New York, NY 10279

Investigator F. Bigit  
Office of Special Investigations  
NYSDOCCS  
10-06 35th Avenue  
Long Island City, NY 11106

Helen Charland  
Disability Rights of New York  
725 Broadway, Suite 450  
Albany, NY 12207

Anthony J. Annucci  
Acting Commissioner  
NYSDOCCS  
W.A. Harriman Campus, Bldg # 2  
1220 Washington Avenue  
Albany, NY 12226

Thomas Griffin  
Superintendent  
Green Haven Correctional Facility  
P.O. Box 4000  
Stormville, NY 12582

RE: RETALIATION

To all concerned parties:

I write you all today to document the latest in retaliation tactics employed by members of the Green Haven staff. Today, at 7:00 a.m., my cell did not open. I was given a feed-up tray and I was told I was "keeplocked" however, I never received a Misbehavior Report, nor was I informed of the reason for the "keeplock." A short time later, I was informed by C.O. Norriega

that "a Lieutenant wrote you up but I don't know for what." I did not question it any further.

At some point in the day, my mother, MARY MILLER, spoke with O.R.C. Grant. O.R.C. Grant, my Counselor, informed her that I was allegedly written a Misbehavior Report "some time last week," although she could not see any specifics of charges. This is bizarre since I have never received a Misbehavior Report to date, nor have I been "keeplocked" prior to this morning.

At approximately 4:30 p.m., while in the Officer's Console in C-Block, inmates Fields and Mazzio, along with myself, could hear a conversation between C.O. Rookwood and Seargent Katz, who was making his watch tour. The following colloquy took place:

KATZ: So what are we doing with Miller?

ROOKWOOD: Well, we going to keep him locked in for 72 hours, then we got something in the works!

I personally believe, although I have no hard evidence other than the conversations I overheard—along with others—that ROOKWOOD and KATZ are trying to come up with a false Misbehavior Report. The problem they have, is I do not do anything I am not legally entitled to do. As the Court docket is well-aware, this is not the first time I have been written a false Misbehavior Report in retaliation for filing grievances. In my previous letter to you, I explained that Seargent Katz already threatened me with a false Misbehavior Report alleged "Escape" using the times and dates of incidents committed by staff.

If it is indeed true that a Misbehavior Report was written last week, and I have not been served, nor has a hearing been commenced, then, the staff is already in violation of the departmental guidelines for hearings. If that is not accurate, then this is a clear ploy and a fishing expedition which serves no legitimate penological purpose. I have approximately 30 grievances filed, and I am indeed being subjected to retaliation for exercising my right to petition for redress of grievances as guaranteed by the State and Federal Constitution, State and Federal Law, and Departmental Directives. I therefore ask the Court to document this on the Court Docket, and to issue an Order directing my immediate transfer.

I thank the Court and the parties for their patience and understanding.

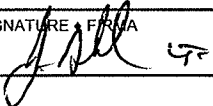
Respectfully submitted,

DANIEL MILLER

cc: O.R.C. Grant  
Lt. Hann

## Green Haven Correctional Facility

## INMATE MISBEHAVIOR REPORT ♦ INFORME DE MAL COMPORTAMIENTO DEL RECLUSO

1. NAME OF INMATE (Last, First) • NOMERE DEL RECLUSO (Apellido, Nombre) Miller, Daniel		NO. • NUM 15A3706	HOUSING LOCATION ♦ CELDA C-4-05
2 LOCATION OF INCIDENT ♦ VIOLACIONES Green Haven Correctional Facility		INCIDENT DATE ♦ FECHA December 15, 2017	INCIDENT TIME ♦ HORA 11:00 AM Approximately
3 RULE VIOLATION(S) ♦ 103.20 SOLICITING			
4. DESCRIPTION OF INCIDENT ♦ On December 15, 2017 a letter sent and signed by you, inmate Miller, D #15A3706, was received in the Green Haven Correctional Facility Superintendent's office. The this letter is a template letter soliciting a business to file complaints against the New York State Department of Corrections and Community Supervision regarding the secure vendor program. It is a violation of the Standards of Inmate Behavior to solicit or request goods or services from a business. By attempting to do so, you have undermined the process of the New York State Department of Corrections and Community Supervision to complete a smooth transition to implement a pilot program which has already established secured vendors for this program. Letter is attached. End of report.			
REPORT DATE ♦ FECHA 12/21/17	REPORTED BY ♦ NOMBRE DE LA PERSONA QUE HACE EL INFORME J. Gould	SIGNATURE ♦ FIRMA 	TITLE ♦ TITULO Lieutenant
5. ENDORSEMENTS OF OTHER EMPLOYEE WITNESSES (if any) ENDOSOS DE OTROS EMPLEADOS TESTIGOS (si hay)		SIGNATURES : FIRMAS: 1	
2 _____		3 _____	

NOTE: Fold back Page 2 on dotted line before completing below.

DATE AND TIME SERVED UPON INMATE

12/21/17 7:50am

NAME AND TITLE OF SERVER

Co. Saunders

FECHA HORA DADO AL RECLUSO

NOMBRE Y TITULO DEL QUE ENTREGA

You are hereby advised that no statement made by you in response to the charges or information derived therefrom may be used against you in a criminal proceeding. ♦ Por este medio se le informa que no se puede usar ninguna declaracion hecha por usted como respuesta al cargo o informacion derivada de ella en una demanda criminal.

## NOTICE ♦ AVISO

## REVIEWING OFFICER (DETACH BELOW FOR VIOLATION HEARING ONLY)

You are hereby notified that the above report is a formal charge and will be considered and determined at a hearing to be held. ♦ Por este medio se le notifica que el informe anterior es un cargo formal el cual se considerara y determinara en una audiencia a celebrarse.

The inmate shall be permitted to call witnesses provided that so doing does not jeopardized institutional safety or correctional goals. ♦ Se le permitira al recluso llamar testigos con tal de que al hacerlo no pondra en peligro la seguridad de la institucion o los objetivos del Departamento.

If restricted pending a hearing for this misbehavior report, you may write to the Deputy Superintendent for Security or his/her designee prior to the hearing to make a statement on the need for continued prehearing confinement. ♦ Si esta restringido pendiente a una audiencia por este informe de mal comportamiento, puede escribirle al Diputado del Superintendente para Seguridad o su representante antes de la audiencia para que haga una declaracion acerca de la necesidad de continuar bajo confinamiento, previo a la audiencia.

Distribution: WHITE - Disciplinary Office CANARY - Inmate (After review) ♦ Distribucion: BLANCA - Oficina Disciplinaria AMARILLA - Recluso (despues de la resion)



GREEN HAVEN  
CORRECTIONAL

FACILITY

NEOPOST  
12/29/2017

US POSTAGE \$002.45<sup>0</sup>



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2018 JAN -3 AM 10:38

GREEN HAVEN CORRECTIONAL FACILITY  
P.O. BOX 4000  
STORMVILLE, NEW YORK 12582-4000

NAME: DANIEL MILLER DIN: 15A3706

LEGAL MAIL

Pro Se Office  
Clerk of the Court  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

USMP3  
SDNY